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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9/Election
S. Ross
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Applicant: Robert W. Droege

Serial No.: 09/683,376

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For: METHODS AND APPARATUS FOR
OPERATING A SYSTEM

Art Unit: 3641

Examiner: Keith, Jack W.

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

The Office Action mailed July 29, 2002, has been carefully reviewed and the following response has been made in consequence thereof.

Claims 1-19 are pending in this application. Claims 1-19 are subject to a restriction and/or election requirement.

In response to the election requirement set forth in the Office Action, Applicants, with traverse, elect for prosecution in this application all claims of Group I as identified in the Office Action. Claims 1-6, drawn to a method of operating a system, are in the elected claim group.

The requirement for election is traversed because the inventions set out by the claims in Groups I, II, III, and IV clearly are related. Applicant submits that a thorough search and examination of any Group would be relevant to the examination of the other Group and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C.

Further, the Office Action has not shown the claims of Group I, II, III, and IV are patentably distinct in accordance with MPEP §806.05(c). Particularly, the Office Action

suggests that the combination as claimed in Group I and Group II are unrelated. Applicant disagrees with this suggestion and respectfully submits that independent Claim 1 and independent Claim 7 are both related. Particularly, independent Claim 1 recites a method for operating a system having a plurality of modes and interlocks between the modes, wherein the method includes operating the system in a first mode, and switching the system to a second mode without going to a standby mode, and independent Claim 7 recites a method for operating a system having a plurality of modes and interlocks between the modes, wherein the method includes operating the system in a first mode, manually changing the system while operating in the first mode, and re-initializing the system in the first mode without going to a standby mode. Therefore, Applicant respectfully traverses the suggestion in the Office Action that Inventions I and II as identified in the Office Action are not disclosed as capable of working together and have different modes of operation, different function, and different effects as recited in the MPEP at §804.04(B). Rather, Inventions I and II are both processes directed toward operating a system having a plurality of modes and therefore are capable of being used together as required in the MPEP. Accordingly, Applicant submits that the Claims of Group I are not patently distinct from the Claims of Group II, and that the restriction requirement is improper.

Further, the Office Action has not shown the claims of Group III and the claims of Group IV are patentably distinct in accordance with MPEP §806.05(c). Particularly, the Office Action suggests that the combination as claimed does not require the particulars of the subcombination. Applicant disagrees with this suggestion and respectfully submits that the combination (Claims 16-19) require the particulars of the subcombination (Claims 12-15). Particularly, independent 12 recites a system having a plurality of modes and interlocks between the modes, wherein the system includes a computer, and a fail safe initiation logic program installed on the computer and

configured to operate said system in a first mode, and switch the system to a second mode without going to a standby mode. Independent claim 16 recites a computer readable medium encoded with a program executable by a computer for operating a system having a plurality of modes and interlocks between the modes, wherein the program is configured to instruct the computer to operate the system in a first mode, and switch the system to a second mode without going to a standby mode. Accordingly, Applicant submits that the Claims of Group III are not patently distinct from the Claims of Group IV, and that the restriction requirement is improper.

Further, the Office Action suggests that the Groups I/II and Groups III/IV are related as process and apparatus for its practice and that the process as claimed can be practiced by another materially different apparatus or by hand, or the apparatus as claimed can be used to practice another and materially different process. Applicant disagrees with this suggestion and respectfully submits that the process as claimed a method for operating a system having a plurality of modes and interlocks between the modes can only be practiced on a system having a plurality of modes and interlocks between the modes as claimed in Claim 12 and Claim 16. As stated in the MPEP at §806.04(B) if the apparatus can not be used to practice the process or any part thereof they are independent. Applicant respectfully submits that the system described in Group III and the apparatus described in Group IV can both be used to practice the processes described in Groups I and II. Particularly, Claim 12 recites a system having a plurality of modes and interlocks between the modes, and Claims 1 and 7 are directed toward a method for operating a system having a plurality of modes and interlocks between the modes. Further, Claim 16 is directed toward a computer readable medium for operating a system having a plurality of modes and interlocks between the modes. Therefore, in accordance §806.04(B) the apparatus can be used to practice the process or any part thereof, and accordingly are not

independent as asserted in the Office Action. For the reasons set forth above, reconsideration of the restriction requirement is requested.

Also, Applicant elects, with traverse, Species B (fail safe logic instruction is greater than two modes). Applicant submits that Claims 1-19 read on Species B. Further, Applicant submits that as claimed in independent Claims 1, 7, 12, and 16, Applicant is claiming a system having a plurality of modes. Accordingly, embodiment A consisting of only two modes and embodiment B greater than two modes, both relate to the same species.

The requirement for election is traversed because Species A and B clearly are related. Applicant respectfully submits that a thorough search and examination of Species A would be relevant to the examination of Species B, and would not be a serious burden on the examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. Accordingly, reconsideration of the election requirement is requested.

The requirement to elect a single ultimate species under 35 U.S.C. 121 is respectfully traversed. Applicant submits that one novelty of the invention as recited in Claim 1 is operating the system in a first mode and switching the system to a second mode without going to a standby mode. As recited in Claim 3, the first mode and second mode include at least one of a residual heat removal mode, a reactor core isolation cooling mode, and a high pressure core flood mode. Therefore, although Applicant is unable to elect a single ultimate mode and still claim one novelty of the invention, i.e. switching between the modes as described herein, Applicant elects, with traverse, residual heat removal mode as the first mode, and reactor core isolation cooling mode as the second mode.

In view of the foregoing remarks, all the claims now active in this application are

believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Michael Tersillo".

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